THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO :1695 of 2005

Dated : 12.08.2005

Between:

The Depot Manager, APSRTC,

Atmakur (N) Depot, Nellore District.

..... APPELLANT

AND

K. Narayana Reddy, S/o L.N. Reddy

.....RESPONDENT

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THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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–

WRIT APPEAL NO :1695 of 2005

JUDGMENT: (per Honourable Smt. Justice T. Meena Kumari)

This writ appeal is filed by the A.P.S. R.T.C. aggrieved by the order passed by this Court in WP NO.6074 of 2005, dated 23.03.2005.

The respondent herein is the writ petitioner. He filed the writ petition seeking to declare the office order dated 5.9.1991 as illegal and arbitrary and to set aside the same and direct the appellant to pay the consequential benefits. The learned single Judge having observed that no enquiry is conducted before imposing the punishment on the petitioner and thereby, he is deprived of the opportunity to put forth his case, modified the order to that of deferment of annual increment for a period of two years without cumulative effect, but the petitioner is not entitled to any difference of amount. However, the petitioner is entitled to get the increment on notional calculation from the date of the order. Aggrieved by the same, the present writ appeal is preferred by the A.P.S. R.T.C.

Heard the learned counsel

We have perused the material available on record and the order impugned in the writ petition.

Admittedly, no enquiry has been initiated before imposing the punishment by the authorities. Therefore, that amounts to depriving the opportunity of the petitioner to put forth his case. Apart from that, imposing of punishment of deferment of annual increment for a period of two years, which shall have effect on future increments of the petitioner, is a major penalty as observed by this Court in a catena of Judgments and therefore, the learned single Judge is justified in modifying the punishment imposed on the petitioner to that of deferment of annual increment for a period of two years without cumulative effect. We see no merits to entertain this appeal and the same is liable to be dismissed.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

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Justice T.Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 12th August, 2005.

Nn/Gurc.